

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-14 are currently pending in this application. Claims 3 and 4 have been canceled by this reply without prejudice or disclaimer. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1.

Claim Amendments

The claims in the present application have been amended to clarify the present invention as recited. Specifically, independent claim 1 has been amended to include the limitations of dependent claims 3 and 4. Accordingly, claims 3 and 4 have been cancelled by this reply. Thus, it is believed that no new search or additional consideration is required by these amendments.

Rejections under 35 U.S.C. § 102

Claims 1-5 and 9-14 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,870,474 ("Wasilewski"). Claims 3-4 have been canceled by this reply. Thus, this rejection is now moot with respect to claims 3 and 4. To the extent that this rejection may still apply to the remaining amended claims, this rejection is respectfully traversed.

As noted above, independent claim 1 has been amended to include the subject matter of dependent claims 3 and 4. For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. The Applicant respectfully asserts that Wasilewski does not

teach or suggest inserting packets in a transport packet stream by replacing a null packet with the packet to be inserted, as required by amended independent claim 1.

Specifically, the Examiner relies on column 18, lines 54-67 of Wasilewski to disclose the aforementioned limitation. However, in contrast to the claimed invention, the cited portion of Wasilewski discloses that a SONET frame is stuffed with null cells when there are no cells ready for transmission (*see* Wasilewski, col. 18, ll. 58-59). More specifically, Wasilewski discloses that an ATM framer, configured to adapt a cell stream that is output from a segmenter and reassembler (SAR), inserts null cells (*i.e.*, cells containing no data) into the SONET frames when the SAR has no cells ready for transmission to the SONET transceiver. This is clearly distinct from replacing a null packet in a transport packet stream with a packet that contains actual data. In fact, Wasilewski discloses a completely opposite process from that claimed. That is, while Wasilewski places null cells into a SONET frame, the claimed invention takes out null packets from a transport stream so that the null packets can be replaced with packets containing data content.

In view of the above, it is clear that Wasilewski fails to disclose or suggest each and every limitation of amended independent claim 1. Thus, claim 1 is patentable over Wasilewski. Dependent claims 2 and 5-14 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski in view of U.S. Patent No. 5,566,174 ("Sato"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Wasilewski fails to disclose or suggest the limitations of amended independent claim 1. Further, Sato fails to supply that which Wasilewski lacks, as evidenced by the fact that the Examiner relies on Sato solely for the purpose of teaching a packet deletion means by transforming the packet ID of the packet to that of a null packet (*see* Office Action mailed September 1, 2005, page 7).

Thus, it is clear that amended independent claim 1 is patentable over Wasilewski and Sato, whether considered separately or in combination. Dependent claims 6 and 7 are patentable over Wasilewski and Sato for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski in view of U.S. Patent No. 5,640,388 ("Woodhead"). To the extent that this rejection may still apply to the amended claims this rejection is respectfully traversed.

As described above, Wasilewski fails to disclose or suggest the limitations of amended independent claim 1. Further, Woodhead fails to supply that which Wasilewski lacks, as evidenced by the fact that the Examiner relies on Woodhead solely for the purpose of teaching a packet counting means for counting the number of packets of a predetermined packet ID value in the received transport data stream (*see* Office Action mailed September 1, 2005, page 8).

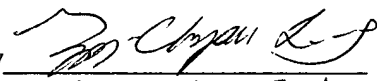
Thus, it is clear that amended independent claim 1 is patentable over Wasilewski and Woodhead, whether considered separately or in combination. Dependent claim 8 is patentable over Wasilewski and Woodhead for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345.015001).

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